

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**ALEXANDRIA DIVISION**

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**CLINTON E. GRAY**

**CIVIL ACTION NO. 07-0402-A**

**-vs-**

**JUDGE DRELL**

**UNITED STATES OF AMERICA, et al.**

**MAGISTRATE JUDGE KIRK**

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**R U L I N G**

One of the Defendants, the State of Louisiana, has filed a motion under Fed. R. Civ. P. 12 (b)(1) to dismiss this action as to the State for lack of subject matter jurisdiction (Doc #7). The State avers that it is immune from suit in federal court concerning the matters and issues in this case and cites adequate authority for this proposition. No opposition has been filed, despite more than adequate time to respond. The State's position is correct, and accordingly, the Court will grant the motion to dismiss. Because it is possible that suit against the State has been or may be brought elsewhere, and as this action is taken concerning the matter only of jurisdiction in this court, the dismissal will be without prejudice.

SIGNED on this 27<sup>th</sup> day of August 2007, at Alexandria, Louisiana.



Dee D. Drell  
United States District Judge